



Federal Communications Commission
Washington, D.C. 20554

DA 12-1356

August 17, 2012

Mr. Carlos M. Nalda
Squire Sanders
1200 19th Street, N.W.
Suite 300
Washington, D.C. 20036

Re: Satélites Mexicanos, S.A. de C.V., Petition for Declaratory Ruling to add Satmex 8 at 116.8° W.L. to the Commission's Permitted Space Station List, IBFS File No. SAT-PPL-20120727-00122 (Call Sign S2871)

Dear Mr. Nalda:

On July 27, 2012, Satélites Mexicanos, S.A. de C.V. (Satmex) filed the above-captioned Petition for Declaratory Ruling to add the Satmex 8 satellite, which is licensed by Mexico, to the Commission's Permitted Space Station List.¹ Satmex 8 is intended to replace the in-orbit Satmex 5 satellite at 116.8° W.L. and will provide Fixed-Satellite Services (FSS), including Direct-to-Home (DTH) services, in the conventional C- and Ku-bands.² For reasons discussed below, we dismiss the petition as defective, without prejudice to refiling.

Section 25.112 of the Commission's rules, 47 C.F.R. § 25.112, requires the Commission to return, as unacceptable for filing, any space station application that is not substantially complete, contains internal inconsistencies, or does not substantially comply with the Commission's rules. Section 25.137(b) of the Commission's rules, 47 C.F.R. § 25.137(b), requires entities filing a Petition for Declaratory Ruling to serve the United States from a non-U.S. licensed space station to provide technical information for the space station in accordance with Part 25. In particular, applications for space station authorizations must supply the technical information set forth in Section 25.114 of the Commission's rules, 47 C.F.R. §25.114.

Satmex does not provide all the information required by Section 25.114(d) of the Commission's rules, which renders the petition unacceptable for filing and subject to dismissal. Specifically, Satmex's

¹ The Commission's Permitted Space Station List comprises all satellites with which United States earth stations, with "routinely" authorized technical parameters and operating in the conventional C- or Ku-bands, are permitted to communicate, without additional Commission action. The conventional C-band refers to the 3700-4200 MHz (space-to-Earth) and 5925-6425 MHz (Earth-to-space) frequency bands. The conventional Ku-band refers to the 11.7-12.2 GHz (space-to-Earth) and 14.0-14.5 GHz (Earth-to-space) frequency bands.

² Legal Narrative at 1.

petition does not provide technical information for the Satmex 8 satellite that is required by Sections 25.114(d)(3) (antenna gain contours), 25.114(d)(5) (power flux density levels), and 25.114(d)(14) (orbital debris mitigation) of the Commission's rules, 47 C.F.R. §§ 25.114(d)(3), 25.114(d)(5), and 25.114(d)(14).³ In addition, SatMex did not submit the interference analysis required by Sections 25.114(d)(7) and 25.140 of the Commission's rules, 47 C.F.R. §§ 25.114(d)(7) and 25.140.

Accordingly, pursuant to Section 25.112(a)(1) of the Commission's rules, 47 C.F.R. § 25.112(a)(1), and Section 0.261 of the Commission's rules on delegations of authority, 47 C.F.R. § 0.261, we dismiss the petition of Satélites Mexicanos, S.A. de CV without prejudice to refile.

Sincerely,

Robert G. Nelson
Chief, Satellite Division
International Bureau

³ If Satmex chooses to re-file its petition, it may wish to consult the Public Notice released by the International Bureau regarding information that is to be supplied in connection with the Commission's orbital debris mitigation rules. *See* Public Notice, Disclosure of Orbital Debris Mitigation Plans, Including Amendment of Pending Applications, 20 FCC Rcd 16278, DA 05-2698 (Int'l Bur. Sat. Div. rel. Oct. 13, 2005).